

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**SONTAY T. SMOTHERMAN,**

**Petitioner,**

**v.**

**Civ. No. 2:14-cv-972**

**Crim. No. 2:12-cr-055(3)**

**Judge Frost**

**UNITED STATES OF AMERICA,**

**Respondent.**

**ORDER**

This action under 28 U.S.C. § 2255 was dismissed on May 6, 2015 on the basis that the claims presented in Petitioner's *Motion to Vacate*, ECF No. 270, had been presented to and rejected by the United States Court of Appeals for the Sixth Circuit in Petitioner's direct appeal. *Order*, ECF No. 291. *See United States v. Smotherman*, 564 Fed.Appx. 209 (6th Cir. 2014); *see also Smotherman v. United States*, 134 S.Ct. 2863 (2014). Petitioner has filed a notice of appeal from that dismissal. *Notice of Appeal*, ECF No. 318. This matter is now before the Court on petitioner's *Motion for Stay the Effect of a Notice of Appeal*, ECF No. 319 ("Petitioner's *Motion*").

*Petitioner's Motion* asks that "the effect of a notice of appeal" be stayed "until the disposition of the post-conviction motion for DNA testing pursuant to 18 USC 3600." *Id.* Although it is not entirely clear what petitioner intends by this motion, the Court notes that petitioner's request for DNA testing was denied on June 11, 2015. *Order*, ECF No. 317.

Accordingly, *Motion for Stay the Effect of a Notice of Appeal*, ECF No. 319, is **DENIED**.

/s/ GREGORY L. FROST  
GREGORY L. FROST  
United States District Judge